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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,288	09/16/2005	Seiichi Terui	278257US3PCT	1979
22850	7590	07/10/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			SINGH, KAVEL	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			3651	
NOTIFICATION DATE		DELIVERY MODE		
07/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/549,288	<b>Applicant(s)</b> TERUI ET AL.
	<b>Examiner</b> KAVEL P. SINGH	<b>Art Unit</b> 3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 13 March 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 24-29,33-37 and 45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 24-29,33-37 and 45 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/15/05

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 24,25,26,33,34,35,36,37, and 45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24-29,33-37 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Balboni U.S. Patent 5,415,280 in view of Kubicek U.S. Patent 3,944,046.

Claims 24-29,33-37 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Balboni U.S. Patent No. 5,415,280.

Claims 24,25,26,33,34,35,36,37, and 45, Balboni teaches a tray stocker (10) provided inside an apparatus main body to be reciprocally movable in a vertical direction and configured to store plural component supply trays (2) arranged therein in the vertical direction (Fig. 3); a tray stocker drive device (C3 50-51) for reciprocally moving the tray stocker (10) in the vertical direction to selectively position the tray stocker (10) to a number of predetermined positions including uppermost and lowermost end positions (C3 L48-50); a tray drawing mechanism (1) for horizontally drawing to a component

delivery position a component supply tray stored in the tray stocker (10) and positioned by the vertical movement of the tray stocker to a predetermined position between the uppermost and lowermost end positions (C3 L62-63); wherein a main body side replenishment tray holding section (111, the successive blades) provided vertically stationarily at a part of the apparatus main body, the part being over or under the tray stocker (10) for externally receiving and holding a replenishment tray (2) which is a component supply tray (1) loaded with components is provided at the uppermost end position on a moving locus of the tray stocker (10) (Fig. 3), and a tray stocker side replenishment tray holding section (403,410) provided at an upper and lower part of the tray stocker (10) for vertical reciprocating movement together with the tray stocker (10), the tray stocker side replenishment tray holding section (410) but Kubicek teaches a tray stocker side replenishment tray holding section being capable of horizontally slidably holding the replenishment tray (2) (C2 L30-31); and while a tray discharge section (3) for holding an empty tray which is a component supply tray emptied of components and for discharging the empty tray out is provided at the lowermost end position of the moving locus (C2 L27-32); and wherein the tray stocker is provided at its upper end part (14) with a tray stocker side replenishment tray holding section (38,52) for receiving and holding the replenishment tray transferred from the main body side replenishment tray holding section and at its lower end part (12) with empty tray holding members for holding the empty tray to be discharged to the tray discharge section (C2 L30-31) (Balboni teaches the vertical movement of the tray stocker side replenishment tray holding section and Kubicek teaches the horizontal slidably portion). It would be

obvious to one of ordinary skill to use a horizontal slidable section in the tray stocker side replenishment tray holding section as taught by Kubicek into the invention of Balboni in order to allow smooth transition between the carriers.

Claim 27, Kubicek teaches the main body side replenishment tray holding section (38,52) comprises a frame member (11) formed to be rectangular and first replenishment tray holding members (38,52) which are protruded from a pair of facing side plates of the frame member to be movable inward in the horizontal direction for holding the replenishment tray (C2 L65-68; C3 L1-3) (Fig. 1). It would be obvious to one of ordinary skill to use a horizontal slidable section in the tray stocker side replenishment tray holding section as taught by Kubicek into the invention of Balboni in order to allow smooth transition between the carriers.

Claims 28 and 29, Kubicek teaches the frame member (11) is provided at an upper part of the apparatus main body to be drawable in the horizontal direction (14) so that the replenishment tray is replenished with the frame (11) member drawn out and is bodily provided at the upper part of the apparatus main body (14) and wherein a top plate of the apparatus main body is constructed to be opened and closed so that the replenishment tray is replenished with the top plate opened (C2 L20-25). It would be obvious to one of ordinary skill to use a horizontal slidable section in the tray stocker side replenishment tray holding section as taught by Kubicek into the invention of Balboni in order to allow smooth transition between the carriers.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651

KPS